

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS				
SUELL D. TURNER		For plaintiff: F. D. HETTINGER 1300 NBT Building Tulsa, Oklahoma 74103 587-0145				
v.		Pat Malloy Malloy & Malloy Thurston National Building Tulsa, Oklahoma				
AMI, INCORPORATED, a corporation, HERMAN K. BEEBE, V. DALE GOSNELL, JOHN H. ROBERT and ROY NATION,		For defendant: B. Hayden Crawford ⁵⁸³⁻⁷⁵⁷¹ Joel Wohlgenuth. CRAWFORD, RIZLEY, PRICHARD & REED 1100 Philtower Bldg. (for AMI, Beebe, Tulsa, Okla 74103 Gosnell & Robert)				
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 10-1-72	Clerk	9/1/72	F. Hettinger	15.00		
J.S. 6 mailed 12-1-74	Marshal	9-7-72	C.D.No.11		15 00	
Basis of Action: breach of contract	Docket fee Witness fees					
Action arose at:	Depositions					

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-1-72	Complaint, filed. Summons issued. rm	
9-21-72	Summons, ret. & filed: served V. Dale Gosnell, Bossier City, La., 9-9-72; Roy Nation, Vinita, Ok. 9-11-72; John H. Robert, Boyce, La., 9-11-72; Herman K. Beebe and AMI, Inc., Shreveport, La., 9-12-72. (USM \$53.46)g	
9-26-72	Appl for ext. of time within which to plead, filed by defts, AMI, Inc., Beebe, Gosnell, and Robert, filed. r	
9-26-72	Order granting ext of 15 days to defts, AMI, Inc., Beebe, Gosnell, & Robert, to answer or plead, filed. (JCS-Act.Clerk by br) r (Copies mailed)	
10-11-72	Answer of defts. AMI, Inc., Herman K. Beebe, V. Dale Gosnell and John H. Robert, filed. g	
11-10-72	Notice of taking deposition/ ^{by pltf.} of Skip Free on 12/4/72 in Sulphur, Okla., filed. rm	
1-5-73	Deposition of Skip Free, filed. g	
1-9-73	Pltf's first interrogatories to deft. V. Dale Gosnell, filed. hm	
1-9-73	Pltf's first interrogatories to deft. John H. Robert, filed. hm	
1-9-73	Pltf's first interrogatories to deft. Herman K. Beebe, filed. hm	
1-18-73	Parties directed to hold pre-trial prior to 3-1-73 and file p/t order not later than 3-8-73. (AEB-J)h	
1-19-73	Notice of taking oral deposition of pltf. on 1/29/73, filed. rm	
2-6-73	Subpoenae, ret. & filed: served Geo. W. Staton and Claude E. Talley, Tulsa, 2-6-73. (USM \$5.56)g	
2-7-73	Appl. of Deft.s, John H. Robert, Herman K. Beebe, and V. Dale Gosnell, for Extension of time, filed. v -order to Judge.	
2-8-73	Notice to take depositions of George W. Staton and Claude E. Talley on 2-14-73, filed. jj	
2-14-73	Order granting defts. Robert, Beebe and Gosnell until 2-23-73 to answer interrogatories, filed. (AEB-J)g	
2-27-73	Appl. for extension of time within which to answer pltf.'s first written interrogatories, filed. v	
2-27-73	Appl. for extension of time within which to file pre-trial order, filed. v	
3-5-73	Order Granting Extension of Time Within Which to File Pre-Trial Order, filed, extending time to and including 3-31-73 (AEB-J)jj <i>copies mailed</i>	
3-5-73	Order Granting Extension of Time to Answer Plaintiff's First Written Interrogatories, filed, extending time to and including 3-5-73 (AEB-J)jj <i>copies mailed</i>	
3-6-73	Request for Production of Documents under Rule 34, filed. jj	
3-8-73	Def. H.K. Beebe's Answer and Objections to Pltf's. First Set of Interrogatories, filed. jj	
3-8-73	Def. V. Dale Gosnell's Answers and Objections to Pltf's. First Set of Interrogatories, filed. jj	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-8-73	Deft. John H. Robert's Answers and Objections to Pltf's. First Set of Interrogatories, filed. jj	
3-12-73	<i>Amended answer to interrogatories by Deft.</i> Brief in Support of Deft.s' Objections to Interrogatories, filed. v	
3-15-73	Pltf's Brief in Opposition to Defts' Objection to Interrogatories, filed. jj	
3-29-73	Pltf's Application for Extension of Time to File Pre-trial Order, filed. jj	
4-4-73	Deposition of Suell David Turner, filed. (Fees: \$104)hm (pd. by defts)	
4-4-73	Depositions of Claude Evans John Michael Talley & George W. Staton, filed. (Fees: \$85 pd by defts)hm	
4-5-73	Order, filed, granting extension of time within which to file Pre-Trial Order to and including 4-30-73. (AEB-J)v -copies mailed.	
4-30-73	Appl. of pltf. for ext of time to file PT Order, filed. rm <i>Under to J.</i>	
4-30-73	Deft. H. K. Beebe's Amended Answer to Pltf.'s Interrogatory No. 3, filed. v	
5-1-73	Pltf's First Amended Complaint, filed. jj	
5-2-73	Order, filed, granting extension of time to & including 5-17-73, to filed pre-trial order. (AEB-J)v -copies mailed.	
5-8-73	Deposition of Suell David Turner, on behalf of defs., taken on 4/11/73, filed. rm (\$53 pd by def.)	
5-21-73	Pre-Trial Order, filed. (AEB-J)v	
5-23-73	Defendants' amended answer, filed. ds	
6-12-73	Defts AMI, Inc., John H. Robert, Herman K. Beebe and V. Dale Gosnell's Motion to Compel discovery and award attys' fees, filed. r	
6-12-73	Brief in support of Mtn to compel discovery & award attys fees, filed.r	
6-12-73	Ordered by the Court that Pltf is granted 10 days from this date in which to respond to defts. AMI, Inc., Herman K. Beebe and John H. Robert, and Dale Gosnell's Motion to Compel Discovery and Award attys' fees. (AEB-J)r	
6-14-73	Response to Mtn. to Compel Discovery, filed. jj	
7-3-73	Ordered that Magistrate conduct hearing on defts' Robert's, Gosnell's and Beebe's objections to pltf's first set of interrogatories. (AEB-J)hm	
7-3-73	Hearing held on defts' objections to pltf's first set of interrogatories. Recommendations of Mag. on said objections are continued and pltf. given 10 days to file proper pleadings (motion to compel) under Rule 37. (MLB-Mag)hm	
7-12-73	Pltf's mot. for order compelling discovery, filed. g	
7-12-73	Brief in support of pltf's mot. for order compelling discovery, filed.g	
7-16-73	Findings and Recommendation of Magistrate, filed. (MLB-USMag)v	

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-31-73	Defts' Request for Admission under Rule 36, filed. r	
8-6-73	Admission of the Pltf. as to Request for Admission date 7-31-73, filed. v	
8-22-73	Ordered that Magistrate conduct hearing on Motion of defts. AMI, Robert, Beebe & Gosnell to compel discovery and pltf's motion for order compelling discovery. (AEB-J)hm	
8-22-73	Hearing held on above motions. It is recommended that pltf's motion for order compelling discovery be sustained and defts' motion to compel discovery be denied. Deft. counsel to prepare F&R within 5 days. (MLB-Mag)hm	
8-23-73	Findings and Recommendations of Magistrate, filed. (MLB-USMag)v <i>copies filed.</i>	
9-4-73	Objections to Findings & Recommendations of Magistrate, filed. jj	
9-4-73	Brief in Support of Objections to Findings and Recommendations of Magistrate, filed. jj	
9-4-73	It is ordered by the Court that deft.s are granted 10 days from this date to respond to pltf's Obj. to Findings & Recommendations of Mag. (AEB-J)jj letter mailed	
9-13-73	Response to Pltf's Obj. to Findings & Recommendations of Mag., filed. jj	
11-12-73	Motion for Summary Judgement of defts. AMI, Beebe, Gosnell and Robert, filed. jj	
11-12-73	Brief in Support of Motion for Summary Judgment, filed. jj <i>letter mailed.</i>	
11-12-73	It is ordered by the Court that Plaintiff is granted 10 days from this date in which to respond to Defendants' Motion for Summary Judgment. (AEB-J)jj	
11-21-73	Pltf's brief in opposition to mot. for S/J, filed. v	
12-3-73	Order sustaining plaintiff's objections to finds and recommendations of of Magistrate and directing that Interrogatories be answered filed. (AEB-J)h -copies mailed-	
12-14-73	Appl. of defts John H. Robert, Herman K. Beebe and V. Dale Gosnell for Ext. of Time to Answer Interrogatories, filed. a	
12-17-73	Order granting defts. Robert, Beebe & Gosnell until 1-2-74 to answer interrogatories, filed. (AEB-J)g <i>copies mailed</i>	
1-21-74	Deft., H.K. Beebe's Ans. to Int., filed.jj	
1-21-74	<u>SEALED</u> Income Tax Returns of V. Dale Gosnell, filed.jj	
1-21-74	Stipulation for Protective Order, filed.jj Pro.Order to J	
1-22-74	Deft., V. Dale Gosnell's, Ans.s to interrogatories, filed. v	
1-22-74	Deft., John H. Robert's answers to Pltf's interrogatories, filed. v	
1-24-74	Withdrawal of Counsel for Plaintiff and Entry of Appearance of Counsel for Plaintiff filed. e <i>order to be brought in 1-24-74</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-25-74	<u>Sealed</u> income Tax Returns of John H. Robert filed. e	
1-28-74	Order, filed, Permitting Withdrawal of Counsel. (AEB-J)jj copies mailed	
1-28-74	Protective Order, limiting the manner in which the income tax returns of Gosnell and Robert are to be viewed, copied and disseminated, filed. (AEB-J)jj copies mailed	
2-15-74	Mot. to Dismiss Party Deft. & Overrule Deft.'s Mot. to Dismiss for lack of complete diversity, filed by Pltf. Suell D. Turner. v	
2-15-74	Brief in support, filed. v	
2-15-74	Ordered by the Court that Deft. is granted 10 days from this date to respond to Pltf.'s Mot. to Dismiss party Deft. & overrule deft.'s mot. to dismiss for lack of complete diversity. (AEB-J)v	
4-18-74	Stipulation, filed. e (o to J)	
4-18-74	Order directing Clerk to strike portions of transcript of telephone conversation filed 7-31-73, filed. (AEB-J)g cpies mailed.	
7-10-74	Order, filed, overruling defendants' motion for summary judgment. (AEB-J)g <i>trial</i>	
7-10-74	Order, filed & entered, sustaining pltf's mot. to dismiss party de- fendant Roy Nation, and dropping Roy Nation as a party litigant. (AEB-J)g <i>trial</i>	
8-13-74	MO: Case set for non-jury trial on 8-27-74, at 10:00 A.M. (AEB-J)b	
8-20-74	Pltf's application to strike cause from non-jury docket, filed. hm <i>069</i>	
8-21-74	Order, filed, that pltf's application to strike cause from N/J docket of 8-27-74 is granted and case to be reset on next N/J docket. (AEB-J)hm (copies mailed)	
8-30-74	Case set for non-jury trial on 11-11-74, at 9:30 A.M. (AEB-J) b	
9-17-74	Request of Pltf. for Production of Documents Under Rule 34, filed. v	
10-15-74	Trial brief, filed by pltf. k	
10-17-74	Response to request for production of documents under Rule 34, filed by all deft. except Roy Nation. k	
10-21-74	APPLICATION of defts. for Ext. of Time to File Trial Brief, filed. jj O to J	
10-22-74	Order, filed, granting defts. until 10-25-74 to file trial brief. (JCS-Clk)g	
10-22-74	MO: IT IS ORDERED by the Court that this case is transferred to Judge Howard C. Bratton for Non-Jury Trial on 11-11-74 at 9:30 A.M. (AEB-J)v -notices mailed.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-24-74	Trial Brief filed by Deft. v	
11-12-74	Supplemental Trial Brief filed by defts. k	
11-13-74	Case tried to the Court. Parties present, represented and announce ready. Sidney Cook admitted for purposes of this case on the motion of Joel Wohlgemuth. Opening statements made. Pltf. presents case in chief with testimony of witnesses. Pltf's exhibits A thru G admitted. Pltf. rests. Deft's motion for dismissal denied. Deft. presents case in chief with testimony of witnesses. Deft's exhibit No. 1 admitted. Deft. rests. Parties rest. Closing arguments made. Court gives orally its findings of fact and conclusions of law and states that plaintiff will recover. Court finds that there was an agreement made on 2-26-72 and that pltf. is entitled to a finder's fee. No award for attorneys fees given. (Howard C. Bratton-J)(Margaret Wilkins-CSR)hm per K.R.Garcia.	
11-13-74	Pltf's list of witnesses and exhibits, filed. hm (the copy of this in file has pltf's exhibits attached)	
11-13-74	Witnesses for defts. and exhibits, filed in open court. hm	
11-14-74	Judgment, filed and entered, that pltf. recover judgment against defts. AMI, Incorporated, Herman K. Beebe and John H. Roberts in the total sum of \$45,000, with int. at rate of 6% per annum from date of judgment until paid; that pltf. recover of defts. costs of action; that complaint and action are dismissed as against defts. V. Dale Gosnell and Roy Nation. (Howard Bratton-J)hm (copies mailed)	
11-21-74	Application to Amend Judgment to show award of attys' fee to pltf., filed.jj copy to Judge Bratton	
11-21-74	Brief in Support of Appl. to Amend Judgment to Show award of attys' fee to Pltf., filed.jj copy to Judge Bratton	
11-22-74	Supersedeas Bond in the amt. of \$55,000.00 approved by JCS, filed.jj	
11-25-74	Deft's motion to set aside the Findings of Fact, Conclusions of law and judgment rendered thereon and grant a new trial; or in the alternative, to amend the findings of fact, conclusions of law and judgment, filed. b <i>copy to J. Bratton</i>	
11-25-74	Brief in Support of Deft's motion, filed. b <i>copy to Bratton</i>	
11-26-74	Response to applic. to amend judgment to show award of attorneys' fee to pltf., filed. hm <i>copy to Bratton</i>	
12-2-74	Order, filed, denying pltf's motion to amend judgment to award attorneys fees. (Howard Bratton, Judge)g <i>C. H. H. H.</i>	
12-3-74	MO: It is ordered by the Court that pltf. be granted 10 days to respond to Defts. Motion to set aside FF & CL and judg. rendered thereon and grant new trial; or . . . to amend the FF, CL and judg. (HCB-J)jj	
12-6-74	Pltf's application for extension of time to file response to defts' motion to set aside findings, filed. g <i>copy to Bratton</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-11-74	Order, filed, granting pltf. 20 days from this date (12-31-74) to respond to defts. Mtn. to Set Aside Findings of Fact, C of Law and Jmt. and grant a New Trial or amend the FF, CL and Jmt. (HB-J)jj copies mailed	
12-16-74	Pltf.'s response to Defts.' Motion to set aside the FFCL & Judgment rendered thereon and grant a new trial; or in the alternative, to amend the FFCL & Judg., filed. v	
12-16-74	Brief in support, filed. v	
1-13-75	Memorandum opinion, filed. (HCB-J)k	
1-13-75	Order, filed, ^{entered} that the motion of the defts. to set aside the findings of fact and conclusions of law and judgment herein or to amend the same or to grant a new trial is denied. (HCB-J)k	
1-23-75	Bill of Costs, filed by Pltf. Taxation hearing to be 1-31-75 at 10:00 A.M. v	
1-29-75	Deft's MOTION and BRIEF IN SUPPORT OF MOTION to strike bill of costs, filed. lm <i>sent to Judge Bratton, 1/31 - Called Judge B. to court, & asked for return of motion</i>	
1-31-75	Sustained Motion to Strike Bill of Costs. Did not allow costs due to prevailing party's filing of notice out of time (JCS-Clk)lm	
2-4-75	Motion for Order NUNC PRO TUNC, filed. lm	
2-4-75	BRIEF in support of motion for order nunc pro tunc, filed. lm	
2-4-75	APPLICATION for an order directing the court clerk to tax costs in favor of the pltf., filed. lm	
2-4-75	BRIEF in support of pltf's application for an order directing the court clerk to tax costs in favor of the pltf., filed. lm	
2-11-75	Defts' response to pltf's appl. for an order directing the Court Clerk to tax costs in favor of the pltf., filed.k <i>copy to HCB</i>	
2-11-75	Notice of AMI, Inc., Herman K. Beebe, & John H. Robert, of appeal from judgment entered in this action on 11-14-74, filed.k (copies to counsel and USCA)	
2-19-75	Defendants' response to pltf's motion for order nunc pro tunc, filed.k	
2-24-75	Order, filed and entered, that motion of pltf. for order nunc pro tunc changing rate of interest on judg. is denied for lack of jurisdiction. (HCB-J)rm - copies mailed	
2-24-75	Order, filed, that motion of pltf. for order directing clerk to tax costs in favor of pltf. is denied. (HCB-J)rm - copies mailed Transcript of	
3-17-75	Decision of the Court, filed.jj	
3-17-75	Order filed Extending Time for Filing and Docketing Appeal until 4-30-75. (HCB-J)jj copies mailed	
4-30-75	Order, filed, extending time for filing and docketing appeal to 5/8/75. (HCB-J)rm-copies to counsel and USCA	
5-5-75	Transcript of trial proceedings had on 11/13/74, filed. (M.Wilkins-CR)rm	

DATE	PROCEEDINGS	Date Order or Judgment Note
5-5-75	Appeal record (3 volumes) transmitted to USCA. rm	
8-7-75	Appl. of defs. to suppl. record on appeal, filed. rm	
8-8-75	Advised that pltf. have no obj. to suppl. record on appeal. rm	
8-11-75	Supplemental record on appeal (1 vol.)transmitted to USCA.rm	
1-23-76	Release and satisfaction of judgment in full, rendered 11/14/74, filed. rm	
1-26-76	Mandate and opinion of USCA, filed and spread of record, affirming judgment of 11/14/74. rm	
1-26-76	Statement of costs, in favor of pltf-appellee, in amt. of \$40,filed. rm	
1-30	Original record on appeal (3 vols. plus 1 suppl. vol.) received from USCA. rm	